THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITON NO.4983 OF 2007

BETWEEN:

E.Narsimha and others

..Petitioners

VS.

The District Collector, Ranga Reddy District and others

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITON NO.4983 OF 2007

ORAL ORDER

The writ petition is misconceived. The petitioners claim to be

owners of an extent of Ac.39.29 guntas in Sy.Nos.16, 17, 18, 18/A and 19/A of Hydersha Kotla Village, Rajendranagar Mandal, Ranga Reddy District. The State acquired some extent of the lands of the petitioners in these survey numbers for the purpose of respondent Nos.5 to 7 (Defence). For acquisition of an extent of Ac.31.18 guntas, an award was passed. Aggrieved by the award, the petitioners claim to have sought arbitration and assert that the Arbitrator had passed an award on 26-03-1974 enhancing the market price from Rs.1000/- to Rs.9000/- per acre and awarded Rs.2,35,950/- for an extent of Ac.29.13 guntas.

According to the petitioners, out of total Ac.31.29 guntas acquired, an extent of Ac.2.05 guntas was left over because of the existing graveyard and tombs and only Ac.29.13 guntas was acquired. As the compensation was paid only for an extent of Ac.29.13 guntas, the remaining extent of Ac.2.05 guntas cannot be taken possession of by the Defence Department, is the petitioners' claim. As the defence officials were trying to encroach upon and take possession of the land of an extent of Ac.2.05 guntas also, the petitioners approached the Survey and Settlement Department for demarcation of the land, to avoid disputes. The 4th respondent addressed a letter to the 7th respondent on 15-12-2006 calling upon the said respondent to attend a joint survey on 22-12-2006. The petitioners state that no representative of the 7th respondent was present and thereby frustrated the joint survey. The 4th respondent addressed another letter on 25-12-2006 again for a joint survey. According to the petitioners, there was again no response from the 7th respondent. In the circumstances the writ petition is filed, in substance seeking a direction to the respondent Nos.5 to 7 to attend a joint survey.

No such relief could be granted. It is open to the respondent Nos.5 to 7 either to attend joint survey or not. If it is the petitioners' grievance that the defence officials were encroaching upon the land

that does not belong to them pursuant to a process of acquisition or that these respondents are forceably entering upon the lands of the petitioners, the appropriate remedy for the petitioners is to seek relief before the civil Court of competent jurisdiction. This is not a dispute that is appropriate for adjudication under Article.226 of the Constitution.

On the aforesaid analysis the writ petition is dismissed. The petitioners are at liberty to pursue the appropriate alternative remedies. No order as to costs.

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GODA RAGHURAM,J

26th MARCH 2007

Note:

Issue CC

In three days

(B/O)

***TSNR**